

PS Form 3811

Return Receipt, Registered, Insured, and Certified Mail.

#### APPENDIX B TO PART 513—STANDARDS OF FAIRNESS

*B-1.* No finance charge contracted for, made, or received under any contract shall be in excess of the charge which could be made for such contract under the law of the place in which the contract is signed in the United States by the military member.

a. In the event a contract is signed with a U.S. company in a foreign country, the lowest interest rate of the State or States in which the company is chartered or does business shall apply.

b. However, interest rates and service charges applicable to overseas military banking facilities will be established by the Department of Defense.

*B-2.* No contract or loan agreement shall provide for an attorney's fee in the event of default unless suit is filed, in which event the fee provided in the contract shall not exceed 20 percent of the obligation found due. No attorney fees shall be authorized if the attorney is a salaried employee of the holder.

*B-3.* In loan transactions, defenses which the debtor may have against the original lender or its agent shall be good against any subsequent holder of the obligation. In credit transactions, defenses against the seller or its agent shall be good against any subsequent holder of the obligation, provided that the holder had actual knowledge of the defense or under conditions where reasonable inquiry would have apprised the holder of this fact.

*B-4.* The military member shall have the right to remove any security for the obligation beyond State or national boundaries if the military member or family moves beyond such boundaries under military orders and notifies the creditor, in advance of the removal, of the new address where the security will be located. Removal of the security shall not accelerate payment of the obligation.

*B-5.* No late charge shall be made in excess of 5 percent of the late payment, or \$5 whichever is the lesser amount, or as provided by law or applicable regulatory agency determination. Only one late charge may be made for any tardy installment. Late charges will not be levied where an allotment has been timely filed, but payment of the allotment has been delayed. Late charges by overseas banking facilities are a matter of contract with the Department of Defense. Late charges by Federal credit unions are set at 20 percent of the interest due with a minimum of not less than 5 cents.

*B-6.* The obligation may be paid in full at any time or through accelerated payments of any amount. There shall be no penalty for prepayment and in the event of prepayment that portion of the finance charges which has inured to the benefit of the seller of the creditor shall be prorated on the basis of the charges which would have been ratably payable had finance charges been calculated and payable as equal periodic payments over the terms of the contract and only the prorated amount to the date of prepayment shall be due. As an alternative the "Rule of 78" may be applied.

*B-7.* If a charge is made for loan insurance protection, it must be evidenced by delivery of a policy or certificate of insurance to the military member within 30 days.

*B-8.* If the loan or contract agreement provides for payments in installments, each payment, other than the down payment, shall be in equal or substantially equal amounts, and installments shall be successive and of equal or substantially equal duration.

*B-9.* If the security for the debt is repossessed and sold in order to satisfy or reduce the debt, the repossession and resale will be governed by the laws of the State in which the security is requested.

*B-10.* A contract for personal goods and services may be terminated at any time before delivery of the goods or services without charge to the purchaser. However, if goods made to the special order of the purchaser result in preproduction costs, or require preparation for delivery, such additional costs will be listed in the order form or contract.

a. No termination charge will be made in excess of this amount. Contracts for delivery at future intervals may be terminated as to the undelivered portion.

b. The purchaser shall be chargeable only for that proportion of the total cost which the goods or services delivered bear to the total goods called for by the contract. (This is in addition to the right to rescind certain credit transactions involving a security interest in real estate provided by Pub. L. 90-321, "Truth-in-Lending Act," section 125 (15 U.S.C. 1601 (1976)) and the Federal Reserve Board Regulation Z (12 CFR part 226 and §§ 226.3, 226.9 (1978)).

#### APPENDIX C TO PART 513—GLOSSARY

##### Section I—Abbreviations

ARNGUS: Army National Guard of the United States

ARPERCEN: U.S. Army Reserve Personnel Center

AUTOVON: automatic voice network

DA: Department of the Army

DOD: Department of Defense

HQDA: Headquarters, Department of the Army

## Department of the Army, DoD

Pt. 516

MHD: medical holding detachment  
SJA: staff judge advocate  
SSN: social security number  
UCMJ: Uniform Code of Military Justice  
USACFSC: U.S. Army Community and Family Support Center  
USAEREC: U.S. Army Enlisted Records and Evaluation Center  
USAFAC: U.S. Army Finance and Accounting Center  
USAR: U.S. Army Reserve  
U.S.C. U.S. Code

### Section II—Terms

Check: A written order, usually on a standard printed form, directing a bank or credit union to pay money.

Creditor: Any person or business that offers or extends credit, or to whom or to which a debt is owed. This term includes lending institutions (such as centralized charge systems) which, although not parties to the original transactions, seek help in collecting debts.

Debt: Any legal debt acknowledged by the soldier, or in which there is no reasonable dispute as to the facts or law, or which has been reduced to judgment.

Debt collector: Any person or business that solely collects debts owed to another person or business. (A debt collector is not a creditor.)

Disputed debt: Any debt, not reduced to a judgment, in which there is a genuine dispute between the parties as to the facts or law relating to the debt which would affect the obligation the soldier to pay.

Family member: As used in this regulation, an individual who qualifies for dependency benefits under certain conditions as set by Army regulations. (For example, spouse or unmarried child, to include stepchildren, and adopted or illegitimate children.)

Judgment: Any decision given by a court of justice or other competent tribunal as a result of proceedings instituted therein. As defined, a judgment includes any administrative enforcement order (Vollstreckungsanordnung) issued by the German federal post office (Deutsche Bundespost) regarding unpaid telephone bills. Such orders come within the coverage of this regulation regardless of where the soldier is stationed.

Soldier: Commissioned and warrant officers and enlisted personnel.

[51 FR 7275, Mar. 3, 1986; 51 FR 8824, Mar. 14, 1986]

## PART 516—LITIGATION

### Subpart A—General

Sec.

516.1 Purpose.

516.2 References.

516.3 Explanation of abbreviations and terms.

516.4 Responsibilities.

516.5 Restriction on contact with DOJ.

516.6 Appearance as counsel.

516.7 Mailing addresses.

### Subpart B—Service of Process

516.8 General.

516.9 Service of criminal process within the United States.

516.10 Service of civil process within the United States.

516.11 Service of criminal process outside the United States.

516.12 Service of civil process outside the United States.

516.13 Assistance in serving process overseas.

516.14 Service of process on DA or Secretary of Army.

### Subpart C—Reporting Legal Proceedings to HQDA

516.15 General.

516.16 Individual and supervisory procedures upon commencement of legal proceedings.

516.17 SJA or legal adviser procedures.

516.18 Litigation alleging individual liability.

516.19 Injunctive relief.

516.20 Habeas Corpus.

516.21 Litigation against government contractors.

516.22 Miscellaneous reporting requirements.

516.23 Litigation reports.

516.24 Preservation of evidence.

516.25 DA Form 4.

516.26 Unsworn declarations under penalty of perjury.

### Subpart D—Individual Liability

516.27 Scope.

516.28 Policy.

516.29 Federal statutes and regulations.

516.30 Procedures for obtaining certification and DOJ representation.

516.31 Private counsel at government expense.

516.32 Requests for indemnification.

### Subpart E—Legal Proceedings Initiated by the United States Medical Care and Property Claims

516.33 General.

516.34 Referral of medical care and property claims for litigation.

516.35 Preparation of claims for litigation.

#### ASSERTION OF OTHER CLAIMS

516.36 Referral to Litigation Division.